

ORDINANCE NUMBER ____-20__

AN ORDINANCE AMENDING CHAPTER IX (TREE PRESERVATION STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF WOODSTOCK, GEORGIA, AMENDING SECTION 9.401 – TREE PRESERVATION TRUST FUND – TO PROVIDE FOR REVISED STANDARDS

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Chapter IX – Tree Preservation Standards, of the Land Development Code, Section 9.401 – Tree Preservation Trust Fund, as amended, is hereby further amended by inserting the following underlined language:

This Ordinance hereby establishes the Woodstock TREE PRESERVATION TRUST FUND. The Fund will be used exclusively to purchase, install, and maintain trees throughout the City's public areas, including parks, green spaces, right-of-way, and government building sites **“and, upon resolution of the City Council, to improve the City’s parks and/or green spaces as specified by the council in such resolution.”**

¹ Ga Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

“The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly “

²O C G A § 36-35-3 (a) provides as follows

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6 ”

Section 2. That Chapter IX – Tree Preservation Standards, of the Land Development Code, Section 9.401 – Tree Preservation Trust Fund, as amended, is hereby further amended by inserting the following underlined language:

1. Occasionally a project site does not have the capacity or will not bear the required density of trees. If a property owner or developer cannot meet the minimum site density requirement for tree replacement and/or Specimen Tree recompense, a mitigation fee for each tree required by this Ordinance but not planted will be paid to the Tree Preservation Fund **“or, upon resolution of the Council, the owner or developer may be allowed to make improvements to the City’s parks and/or green spaces as specified by the council in such resolution.”** A schedule of mitigation fees is presented below:

Effective Date. This Ordinance shall take effect immediately upon adoption by Mayor and City Council.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 14 DAY OF November, 2016.

1st Reading: 10/24/16 2nd Reading: 11/14/16



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

Approved as to form:



ELDON L. BASHAM, CITY ATTORNEY